

(February 22, 1985)

H.C.R. 10

H.C.R. 23

H.C.R. 24

Sent to Governor (February 25, 1985)

S.C.R. 30

S.C.R. 34

S.B. 165

TWENTY-SEVENTH DAY

(Tuesday, February 26, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Ray Farabee offered the invocation as follows:

Our Father, we thank Thee for the vast human and natural resources of this State. Lead, guide and direct us in our deliberations. Always may the words of our mouths and the meditations of our hearts be acceptable in Thy sight. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 48

C.S.S.B. 523

C.S.S.B. 521

Senator Farabee submitted the following report for the Committee on State Affairs:

S.C.R. 55

S.B. 221

S.B. 285

C.S.S.B. 301

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

- S.B. 605** by Parker Education
Relating to the powers and duties of the Board of Regents of the University of Houston System; amending sections 111.33 and 111.34 of the Texas Education Code; and declaring an emergency.
- S.B. 606** by Barrientos Education
Relating to state funds for local cooperative teacher education centers.
- S.B. 607** by Jones Finance
Relating to permitting the partial payment of property taxes.
- S.B. 608** by Henderson Intergovernmental Relations
Relating to the levy and collection of assessments on property owners by certain counties to finance highway improvements.
- S.B. 609** by Santiesteban Natural Resources
Relating to regulating the taking, possession, purchase, and sale of oysters and shrimp, to research programs concerning oysters and shrimp, and to fees for certain shrimp licenses; providing penalties.
- S.B. 610** by Howard, Brown Economic Development
Relating to the development of international commerce and to the creation of the Texas World Trade Council and the Texas World Trade Development Authority.
- S.B. 611** by Parker State Affairs
Relating to ownership of library materials and equipment purchased with funds appropriated under the Library Systems Act; amending Section 15, Article 5446a, Vernon's Texas Civil Statutes.
- S.B. 612** by Parker State Affairs
Relating to an exemption of certain library purchases from the authority of the State Purchasing and General Services Commission requirements for competitive bidding; amending Section 3.02. of Article 601b, Vernon's Texas Civil Statutes.
- S.B. 613** by Howard State Affairs
Relating to the conveyance of certain state-owned real property in Paris, Texas.
- S.B. 614** by Barrientos, Krier Intergovernmental Relations
Relating to the authority of a county to supply fire-fighting equipment to certain communities.
- S.B. 615** by Barrientos Intergovernmental Relations
Relating to the meetings at which the commissioners court of a county may conduct business.
- S.B. 616** by Edwards, Harris, Mauzy State Affairs
Relating to the adoption of an election code; making conforming amendments and repeals; providing penalties.
- S.B. 617** by Harris, Parmer Economic Development
Relating to the acquisition, maintenance, and operation of a railroad by certain municipalities and other public agencies.
- S.B. 618** by Sharp Natural Resources
Relating to the acquisition, development, construction, operation, maintenance, and financing of parks and recreational facilities in municipal utility districts.
- S.B. 619** by Caperton State Affairs
Relating to the legal description of property to which certain liens extend and to certain costs; adding Section 53.004 to Subchapter A, Chapter 53, Property Code.

S.B. 620 by Sarpalius Health and Human Resources
 Relating to a county's authority to contract with a public or private nonprofit alcoholism prevention, intervention, or treatment program or center and to provide payment for services rendered under the contract.

S.B. 622 by Sarpalius Intergovernmental Relations
 Relating to the compensation, staff, and office of the district attorney for the 69th Judicial District.

S.B. 623 by Jones Finance
 Relating to property tax bills.

S.B. 624 by Truan Education
 Relating to examinations and competency standards required for admission into an approved teacher education program for certification as a teacher and for certification as an administrator.

S.B. 625 by Uribe Finance
 Relating to the authority of the Texas Youth Commission to provide funds for the establishment of privately owned and operated training facilities and programs for delinquent children.

MESSAGE FROM THE HOUSE

House Chamber
 February 26, 1985

HONORABLE W. P. HOBBY
 PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 306, Relating to reports required from entities to which the legislature appropriates money. (Substituted)

S.B. 33, Relating to the transfer of human organs. (Amended)

Respectfully,

BETTY MURRAY, Chief Clerk
 House of Representatives

SENATE CONCURRENT RESOLUTION 56

Senator Brooks offered the following resolution:

S.C.R. 56, Acknowledging the importance of Spain's role in winning American independence and recognizing General Bernardo de Galvez for his many accomplishments and his significant contributions toward the American victory in the War of Independence.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RULE 74a SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to **S.B. 306**.

SENATE BILL 306 WITH HOUSE AMENDMENT

Senator Jones called S.B. 306 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Uher

Substitute the following for S.B. 306:

**A BILL TO BE ENTITLED
AN ACT**

relating to reports required from state agencies to which the legislature appropriates money.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 4348, Revised Statutes, is amended to read as follows:

Art. 4348. STATEMENT TO GOVERNOR. (a) In addition to the reports required by the Constitution, the Comptroller shall exhibit to the Governor, on the first Monday of November of each year, and at such other times as he shall require, an exact and complete statement of the funds of the State, of its revenues, and of the public expenditures during the preceding year (or for such other times as may be required), with a detailed estimate of the expenditures to be defrayed from the Treasury for the ensuing year, specifying therein each object of the expenditures and distinguishing between such as are provided for by general or special appropriation, and such as are required to be provided for by law, and showing the means from which such expenditures are to be defrayed.

(b) Not later than March 15 of each odd-numbered year, each state agency shall submit a report to the Governor, the Comptroller, the State Treasurer, and the Legislative Budget Board. The report shall be prepared on a form prescribed by the Comptroller and must include the following information:

(1) the amount appropriated to the reporting agency for the fiscal year;
(2) cost-cutting measures taken or to be taken by the reporting agency to reduce expenditures and the estimated resulting savings in each category of appropriation;

(3) the estimated expenditures of the reporting agency by category of appropriation for the remainder of the fiscal year;

(4) the estimated amount of appropriations to be returned by the reporting agency to the Treasury at the end of the fiscal year;

(5) the estimated cash balance in earned federal funds as of the last day of February of the current year, the estimated income in earned federal funds for the remainder of the current fiscal year, and the detailed encumbrances of those earned federal funds;

(6) the estimated cash balances as of the last day of February of the current year in funds deposited outside the Treasury that are available for expenditure at the direction of or on behalf of the operations of the reporting agency;

(7) the number of employees of the reporting agency budgeted (full-time equivalent) and actually filled (full-time equivalent) for the preceding fiscal year and budgeted and actually filled as of the last day of February of the current year; and

(8) any other information required by the Governor, the Comptroller, the State Treasurer, or the Legislative Budget Board.

(c) For the purposes of Subsection (b) of this article, "state agency" means:

(1) any department, commission, board, office, or other agency in the executive branch of state government created by the Constitution or a statute of this State;

(2) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a Court of Appeals, the Texas Judicial Council, or other entity in the judicial branch of state government; or

(3) a university system or an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Jones moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 306 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones, Farabee, Santiesteban, McFarland, Blake.

REMARKS ORDERED PRINTED

After a personal privilege speech by Senator Uribe, on motion of Senator Truan and by unanimous consent, Senator Uribe's remarks were ordered reduced to writing and forwarded to the United States Drug Enforcement Administration.

SENATE RESOLUTION 154

Senator Uribe offered the following resolution:

WHEREAS, In an effort to halt the insidious drug smuggling across the Mexico-United States border, the United States Drug Enforcement Administration has instigated a series of exhaustive car-by-car searches at the border; and

WHEREAS, This action across the 1,248-mile border has established ill will and distrust between the people of Texas and Mexico; and

WHEREAS, Besides paralyzing traffic at the 15 border crossings, this unpopular administrative action has brought economic hardship and loss to many South Texas towns; and

WHEREAS, Conducted in part to bring pressure to bear on the Mexican government to step up their role in the war on drugs, the searches were an inappropriate means of dramatizing the drug problems facing both countries; and

WHEREAS, Other more appropriate means should be established to gain the full participation and cooperation of the Mexican government; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby express displeasure with the officious actions of the United States Drug Enforcement Administration in conducting these searches and encourage the use of enforcement methods that do not hamper the people and economy of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the United States Drug Enforcement Administration as an expression of sentiment from the Texas Senate.

URIBE
TRAEGER
SANTIESTEBAN
SIMS

The resolution was read and was adopted.

SENATE BILL 76 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 76, Relating to the eligibility of certain victims of domestic violence to receive benefits under the Crime Victims Compensation Act.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 76** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 3, Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (7), (9), and (10) and adding Subdivisions (11) and (12) to read as follows:

"(7) 'Pecuniary loss' means the amount of expense reasonably and necessarily incurred:

"(A) regarding personal injury for:

"(i) medical, hospital, nursing, or psychiatric care or counseling, and physical therapy;

"(ii) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury at a rate not to exceed \$150 per week unless the victim resides in the same household as the offender or his or her accomplice; and

"(iii) care of minor children enabling a victim or his or her spouse, but not both of them, to continue gainful employment at a rate not to exceed \$30 per child per week up to a maximum of \$75 per week for any number of children; and

"(B) as a consequence of death for:

"(i) funeral and burial expenses;

"(ii) loss of support to a dependent or dependents not otherwise compensated for as a pecuniary loss for personal injury, for as long as the dependence would have existed had the victim survived, at a rate of not more than a total of \$150 per week for all dependents; and

"(iii) care of minor children enabling the surviving spouse of a victim to engage in lawful employment, where that expense is not otherwise compensated for as a pecuniary loss for personal injury, at a rate not to exceed \$30 per week per child, up to a maximum of \$75 per week for any number of children.

"(C) Pecuniary loss does not include loss attributable to pain and suffering."

"(9) 'Victim' means:

"(A) a person who is a Texas resident or a resident of another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession or territory of the United States who is in this state at the time of the

crime and who suffers personal injury or death as a result of criminally injurious conduct;

“(B) an intervenor;

“(C) a dependent of a deceased victim; and

“(D) in the event of a death, a person who legally assumes the obligation or who voluntarily pays the medical or burial expenses incurred as a direct result of the crime.

“(10) ‘Crime of violence’ means any criminal offense as defined in the Penal Code of this state or in a federal criminal law that results in personal injury to a victim [resident of this state]. No act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime of violence for the purposes of this Act, except that a crime of violence includes injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle, or injury or death sustained in an accident caused by a driver in violation of Section 38, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon’s Texas Civil Statutes), or Article 67011-1 or 67011-2, Revised Civil Statutes of Texas, 1925, as amended.

“(11) ‘Personal injury’ means physical or mental harm to the person.”

SECTION 2. Subsections (b) and (c), Section 6, Crime Victims Compensation Act (Article 8309-1, Vernon’s Texas Civil Statutes), are amended to read as follows:

“(b) The board shall establish that as a direct result of criminally injurious conduct the victim suffered personal [physical] injury or death that resulted in a pecuniary loss which the victim is unable to recoup without suffering financial stress and for which he or she is not compensated from any collateral source.

“(c) The board shall deny the application if:

“(1) the criminally injurious conduct is not reported or the application is not made in the manner specified in Section 4 of this Act;

“(2) the victim or person whose injury or death gives rise to the application knowingly and willingly participated in the criminally injurious conduct;

“(3) the claimant will not suffer financial stress as a result of the pecuniary loss arising out of criminally injurious conduct; [or]

“(4) the claimant is the offender or an accomplice of the offender; or

“(5) an award of compensation to the claimant would benefit the offender or an accomplice of the offender [the victim resided in the same household as the offender or his or her accomplice].”

SECTION 3. This Act takes effect September 1, 1985, and applies to a claim for compensation that is filed on or after that date.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Brooks offered the following amendment to the pending amendment to the bill:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **S.B. 76** by adding a new SECTION 2 and renumbering current SECTIONs 2 and 3 as follows:

SECTION 2. Section 14, Crime Victims Compensation Act (Article 8309-1, Vernon’s Texas Civil Statutes), is amended by amending Subsection (b) and both Subsections (h) to read as follows:

"(b) A person shall pay \$20 as a court cost, ~~[in addition to other court costs,]~~ on conviction of any felony, \$15 as a court cost, ~~[in addition to other court costs,]~~ on conviction of a misdemeanor punishable by imprisonment or by a fine of more than \$200, and \$12.50 as a court cost, ~~[in addition to other court costs,]~~ on conviction of a misdemeanor punishable by a fine of not more than \$200. A conviction that arises under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), or under the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is specifically excluded. The court shall assess and make a reasonable effort to collect the cost due under this section whether or not any other court cost is assessed or collected. The court shall require a person convicted of an offense listed under this section to pay the court cost whether or not the court grants the person a probated sentence. If a person is granted deferred adjudication under Article 42.12, 42.13, or 45.54, Code of Criminal Procedure, 1965, as amended, at the time the court grants deferred adjudication, the person shall pay as a court cost the amount that the person would have otherwise been required to pay under this subsection had the adjudication not been deferred and had the person been finally convicted of the offense."

"(h)(1) If the board has reason to believe that a court has not been assessing and/or has not been making a reasonable effort to collect the costs due under this section, the board shall issue a letter of warning to the court or to the governing body of the governmental unit in which the court is located.

"(2) The court or governing body shall respond in writing to the board within 60 days, making specific references to the charges contained in the letter of warning.

"(3) If no response is made or if the board deems the response inadequate, the board may request the comptroller of public accounts to audit the records of the court, the records of the officer charged with collecting the cost, or the treasury of the governmental unit in which the court is located.

"(4) The comptroller will provide the board with the results of said audit.

"(5) Using the results of said audit and any other evidence available, the board may find that a court is not assessing and/or is not making a reasonable effort to collect costs due under this section.

"(6) The board, upon making such a finding may refuse to make any awards under this Act to residents of the jurisdiction served by the court and/or notify the State Commission on Judicial Conduct of its findings.

"(7) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

~~"[(h) If the board finds that a court is not assessing costs due under this section or is not making a reasonable effort to collect the costs, the board shall issue a public letter of warning to the court. If the court is a county court, the board shall send a copy of the letter to the commissioners court of the county in which the court presides. If the court is a municipal court, the board shall send a copy of the letter to the governing body of the municipality in which the court presides.~~

~~"[(h) If the board finds that a court is not assessing costs due under this section or is not making a reasonable effort to collect the costs, the board may not make any awards under this Act to residents of the jurisdiction served by the court.]"~~

The amendment to the pending amendment was read and was adopted.

Question on the adoption of the pending amendment as amended, the amendment as amended was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 76 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 76 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 92 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 92, Relating to the regulation of timeshare interests; enacting the Texas Timeshare Act.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **C.S.S.B. 92** page 1, line 31

strike the word "comprised" and substitute therefor "composed"

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 92 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 92** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 488 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 488, Relating to regulation by the Railroad Commission of Texas of persons transporting certain educational units.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 488 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 488** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

Senator Brown was recognized and introduced Dr. James Incalcaterra of Clear Lake as the Capitol Physician for the Day.

The Senate expressed their appreciation to Dr. Incalcaterra.

SENATE BILL 412 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 412, Relating to a solicitor acting as an insurance company agent.

The bill was read second time and was passed to engrossment.

SENATE BILL 412 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 412** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 171 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 171, Relating to amounts suggested as bail for persons charged with criminal offenses.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Lyon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 171 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 171** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Parmer, Sarpalius, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Lyon, Montford, Santiesteban, Sharp, Washington.

Absent: Parker.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Parmer, Sarpalius, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Lyon, Montford, Santiesteban, Sharp.

Absent: Parker.

SENATE BILL 386 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 386, Relating to the award of attorney's fees in certain family violence cases.

The bill was read second time and was passed to engrossment.

SENATE BILL 386 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 386** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 60 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 60, Relating to the period of a court's continuing jurisdiction over a prisoner sentenced to the Texas Department of Corrections.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 60 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 60** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

SENATE BILL 334 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 334, Relating to employment and compensation of a mental health administrator for the Probate Court No. 3 of Harris County.

The bill was read second time and was passed to engrossment.

SENATE BILL 334 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 334** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

SENATE BILL 240 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 240, Relating to the interpretation of credit law by the consumer credit commissioner.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 240** by inserting the following on page 1 at the end of line 23: As used in this section, "this Title" means Title 79, Revised Statutes, but does not include any law that is not officially a part of Title 79, although it may be editorially compiled as a part of the title.

The committee amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 240 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 240** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 433 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 433, Relating to title searches for and applicability of certain insurance laws to title insurance.

The bill was read second time and was passed to engrossment.

SENATE BILL 433 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 433** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RULE 103 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **S.B. 624** at 9:00 o'clock a.m. tomorrow.

CONGRATULATORY RESOLUTIONS

S.R. 153 - By Henderson: Commending David Lee.

S.R. 155 - By Brooks: Extending congratulations to Paul Conner.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:07 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-EIGHTH DAY

(Wednesday, February 27, 1985)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Washington.

A quorum was announced present.

The Reverend Hubert L. Austin, Associate Pastor, First United Methodist Church of Temple, offered the invocation as follows:

We stand in this place with a sense of humility and faith, O God, because we believe that we are standing on Holy Ground. For wherever God is that is Holy Ground.

Surely the Lord is in this place, and in the hearts and minds of those present. Therefore, we express our gratitude for the leadership of the Governor, Lieutenant Governor, the Legislators and employees of this great State. Continue to give them wisdom, courage, and foresight as they determine the destiny of its people. We pray this in the name of the Supreme Lawgiver, The Living Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of illness on motion of Senator Whitmire.

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 449

S.B. 469

S.B. 466